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Conference of the States Parties to the United Nations Convention against Corruption

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Draft report

Addendum

IV. Performance of the mechanism for the Review of Implementation of the United Nations Convention against Corruption

A. Progress report

1. The Secretary of the Conference provided an update on the progress made in the country reviews of the first and second review cycles. With regard to the first review cycle, he highlighted that, at the time of reporting, 177 States parties under review had submitted their responses to the self-assessment checklist, 169 direct dialogues (157 country visits and 12 joint meetings) had taken place, and 163 executive summaries had been finalized. A further four executive summaries were in advanced stages of finalization.

2. Regarding the second review cycle, the Secretary informed the Group that all the 77 States parties under review in the first and second years of the second cycle, had nominated their focal points. Furthermore, 52 States had submitted responses to the self-assessment checklist, and 28 direct dialogues (27 country visits and one joint meeting) had taken place, while several other country visits were at various stages of planning. At the time of reporting, nine executive summaries had been finalized and six additional executive summaries were being completed. Owing to the organization of training events at early stages of the review cycle, the majority of States parties under review in the second and third years of the second cycle had nominated their focal points well before the start of their reviews, and States parties had the opportunity to engage in early preparation of their self-assessment checklists.

3. The Secretary then presented to the Group an outline of the analytical work undertaken, which was reflected in a note entitled Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (CAC/COSP/IRG/2018/2). It was explained that the analysis had been conducted in a bid to better assess the performance of the Mechanism. While it had been noted that year 1 of the second review cycle had progressed relatively well, with four States yet to submit their self-assessment checklists, the secretariat highlighted with great concern considerable delays in year 2.

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4. In acknowledging that the submission of the self-assessment checklist was the real starting point in any implementation review, the secretariat pointed to the late submissions of checklists as being at the root of the overall delays in the reviews of year 2. At the time of the meeting, only 27 of 48 checklists had been received by the secretariat. It was explained that, due to the spillover from years 1 and 2, year 3 of the second cycle would start with an additional 25 reviews. While States had not been unresponsive, such delays could negatively impact the functioning of the mechanism. The Chair urged States parties to redouble all efforts to prevent any further delays that could put the good performance of the Mechanism at risk.

5. Several speakers noted that lessons learned from the first cycle had served as a reminder of the complexity in securing wide stakeholder involvement and the importance of starting preparations for the self-assessment checklist early. A number of speakers described their efforts to complete the checklist well in advance of the scheduled start of their country reviews. In this regard, several speakers noted how the inter-institutional coordination groups created for the first cycle had been revived or continued to serve in that role also during the second cycle. One speaker referred to national efforts to issue guidelines for national stakeholders in order to outline their roles in the country review. A number of speakers underscored that in federal states, the requirement to also consult at a sub-federal level, especially for the review of Chapter II (Preventive measures), had led to delays in completing the checklists.

6. Several speakers expressed their countries' appreciation to the secretariat for providing support to States in their preparations for the second and third years of their second cycle reviews, by organizing training workshops for focal points and governmental experts. Many speakers underlined the importance of the workshops in preparing focal points and experts for completing their checklists and for the experts of reviewing States. One speaker noted that the training had also promoted a culture of integrity.

7. Many speakers highlighted the importance of the Convention as the only comprehensive platform for the fight against corruption. At its 15th anniversary, the Convention continued to remain the only holistic international anti-corruption instrument. One speaker noted that the establishment of the African peer review would be aligned with the Convention's review mechanism. One speaker noted that a review group had been set up in 2015 by States in the Arab region to monitor anti-corruption developments in the region. Several speakers underlined the need for clear political will to fully implement the Convention.

8. Speakers underscored their continued commitment to the Convention and reaffirmed their support for the review mechanism, which had identified good practices, as well as helped crystallize weaknesses and gaps in their national administrative and legal regimes. Many speakers reported on wide-ranging reforms in their domestic anti-corruption frameworks, including plans and strategies and other mechanisms to prevent, investigate, and deter corruption both as a consequence of their first cycle reviews as well as in preparation for the second cycle. The implementation of the Convention as a means to ensure progress towards the achievement of the Sustainable Development Goals in general, and the implementation of Goal 16 in particular was underscored by many speakers.

9. On asset recovery and prevention, several States stressed that the Convention requirements had triggered legislative amendments or new laws. In speaking of measures that overlapped both cycles, the strengthening of confiscation regimes and enhancing international cooperation, including mutual legal assistance, was noted by many delegates in particular in relation to asset recovery. Many delegates also spoke of the establishment of systems to facilitate the reporting by public officials of acts of corruption and the protection of such persons.

10. The establishment and publication of beneficial ownership registers were measures commonly noted, as was the setting up of specialized asset recovery units. A number of speakers mentioned establishing the requirement for public officials to declare or disclose their assets. The use of information technology for asset

declarations, as well as conflict of interest disclosures was noted by several speakers. Many States underlined the central role of the Convention for the exchange of information and best practices to enable more concerted work to combat corruption.

11. On the matter of access to information and transparency in public administration, several States reported that they had joined the Open Government Initiative and other transparency initiatives. States also spoke of the inclusion of external stakeholders such as civil society, academia, media and the private sector in work related to awareness-raising, as well as their involvement in the implementation reviews. Other areas of cooperation extended to the formulation of national anti-corruption strategies, as well as anti-corruption curriculum development for use in primary, secondary and tertiary education. Cooperation efforts with the International Anti-Corruption Academy (IACA) were noted by several speakers.

B. Implementation of resolution 7/4 of the Conference of the States Parties to the United Nations Convention against Corruption: Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption

12. A representative of the secretariat briefed the Group on the activities carried out in furtherance of Conference resolution 7/4 and referred to the full report on that topic (CAC/COSP/IRG/2018/CRP.1). He noted that, pursuant to operative paragraph 1 of resolution 7/4, the Secretariat had been requested to "continue its dialogue with States parties and with the secretariats of other relevant multilateral mechanisms in the field of anti-corruption". He further informed the Group that this dialogue was ongoing and that it had taken many forms, including the organization of joint side events at the seventh session of the Conference of the States Parties in Vienna in 2017 and regular attendance at each other's meetings. In particular, UNODC and partner secretariats had organized a special event entitled "Enhancing the cooperation between the secretariats of international anti-corruption peer review mechanisms" in the margins of the Conference. In order to further improve the dialogue with partner secretariats, UNODC had also continued its practice of attending more regularly the meetings of the OECD Working Group on Bribery and the Council of Europe's Group of States against Corruption (GRECO). Furthermore, the speaker noted that the secretariat of the Council of Europe's GRECO had prepared a proposal on "Enhancing Synergies Amongst the International Anti-Corruption Monitoring Bodies" which was to be considered by the GRECO plenary, which was shared with the Group in document CAC/COSP/IRG/2018/CRP.8.

13. Several speakers expressed appreciation for the efforts made by the secretariat to enhance synergies with other review mechanisms in the field of anti-corruption. One speaker highlighted that her country had established a focal point for all peer review mechanisms at the Ministry of Foreign Affairs and developed a methodology to refer to answers already prepared for other mechanisms in order to save time. Referring to the GRECO proposal, she also suggested that UNODC, GRECO and the Organization for Economic Cooperation and Development (OECD) develop a joint proposal for enhancing synergies. Another speaker pointed out that his country had established a workplan to better follow up on the implementation of recommendations issued by the various review mechanisms that his country was involved in. He also referred to the recent Lima Commitment on "Democratic Governance against Corruption" adopted by the eighth Summit of the Americas, which had called upon the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC) to coordinate with other international and regional anti-corruption bodies so as to foster synergies and to avoid duplication of efforts in the fight against corruption.

14. Some speakers expressed concern that there may be limits to enhancing synergies between various review mechanisms, notably due to different mandates, terms of reference and confidentiality requirements, and cautioned that closer

cooperation should not lead to the creation of a new layer of bureaucracy. A number of speakers noted that some of the proposed measures may have cost implications. Furthermore, one speaker referred to the good practice of scheduling meetings by relevant forums in consecutive weeks in order to facilitate the travel of participants and enhance the representation of delegations at meetings.

15. One speaker referred to the regional addenda to the thematic reports that had been prepared by the secretariat during the first cycle of reviews and suggested that it would be useful to cooperate with regional organizations in the drafting of regional implementation reports. He also invited regional organizations to become more active in the discussions relating to the Convention. The possible establishment of joint information sharing platforms and tools was mentioned by some speakers.

16. The representative of the Council of Europe noted that GRECO's proposal was still a work in progress and stressed that greater cooperation should not become a strain on the budget. A representative of OECD highlighted that the discussion on that topic, was also on the agenda of the OECD Working Group on Bribery which would take place the following week.